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P/E - Claim # T04496

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Received 9/20/18 by Vicki

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Attorneys for Plaintiff

MONTANA EIGHTH JUDICIAL DISTRICT COURT
CASCADE COUNTY

SANDRA J. HORN,

Plaintiff,

vs.

K & K TRUCKING, INC. and PETER
BARBER,

Defendants.

Cause No.

ADV-18-282

SUMMONS

TO: K & K TRUCKING, INC.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (or 42 days if you are the State of Montana, a state agency, or a state officer or employee), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Montana Rules of Civil Procedure. Do not include the day you were served in your calculation of time. The answer or motion must be served on the Plaintiffs' attorney, whose name and address is listed above. If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You must also file your answer or motion with the court.



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CLERK OF DISTRICT COURT
 FAYE MCWILLIAMS

2018 MAY 17 AM 11:11

FILED

BY _____ DEPUTY

MONTANA EIGHTH JUDICIAL DISTRICT COURT
 CASCADE COUNTY

SANDRA J. HORN,

Plaintiff,

vs.

K & K TRUCKING, INC. and PETER
 BARBER,

Defendants.

Cause No. **ADV - 18 - 0282**

Gregory G. Pinski

**COMPLAINT AND
 DEMAND FOR JURY TRIAL**

COMES NOW Plaintiff, by and through her undersigned counsel, and files this
 Complaint against Defendants K & K Trucking, Inc. and Peter Barber, and accordingly alleges
 as follows:

ALLEGATIONS COMMON TO ALL COUNTS

1. At all times material to this Complaint, Plaintiff was and remains a citizen and resident of the State of Alaska.
2. Defendant K & K Trucking, Inc. was and remains a Montana corporation with its primary place of business in Great Falls, Cascade County, Montana.
3. On information and belief, Defendant Peter Barber is a natural person, and a citizen and resident of Cascade County, Montana.

- 1 4. The motor vehicle accident complained of herein occurred a remote stretch of the
2 ALCAN Highway in Canada.
- 3 5. On May 28, 2015, Plaintiff was riding as a passenger in a car driven by Ralph Venner
4 when a semi/tractor-trailer, which was owned by Defendant K & K Trucking, Inc. and
5 operated by Defendant Peter Barber, veered across the centerline and caused a collision
6 with the vehicle in which Plaintiff was a passenger.
- 7 6. Upon information and belief, Defendant Ralph Venner was acting within the course and
8 scope of his employment when the collision occurred, and therefore Defendant K & K
9 Trucking, Inc. is liable to Plaintiff as alleged herein. However, in the alternative, if
10 Defendant Ralph Venner was not acting within the course and scope of his employment
11 when the collision occurred, he is liable to Plaintiff as alleged herein.
- 12 7. One or both Defendants was/were completely at fault for the collision, as Mr. Venner
13 negligently operated the semi/tractor-trailer he was driving in such a manner as to cause
14 it to veer across the centerline of the highway and cause a collision with Plaintiff's
15 vehicle.
- 16 8. Plaintiff suffered bodily injuries as a result of the collision. As a result of her injuries,
17 Plaintiff incurred medical and related expenses for the treatment of her injuries; suffered
18 past and future lost income and diminished earning capacity; incurred pain, suffering, the
19 loss of her normal enjoyment of an established way of life, and other damages.
- 20 9. Defendants are, or one of them is, liable for Plaintiff's damages, as Mr. Venner
21 negligently operated his vehicle in a manner that caused a collision with the vehicle in
22 which Plaintiff was riding as a passenger.
- 23 24 25

26 **COUNT ONE**
27 **Negligence**

- 28 10. Plaintiff hereby incorporates by reference all previous allegations contained in this
29 Complaint in this Count.

1 11. As a direct and proximate result of Defendants' negligence, Plaintiff sustained bodily
2 injuries that have caused and continue to cause her emotional and physical pain and
3 suffering.

4 12. Plaintiff has also incurred medical bills and out-of-pocket expenses in amounts that will
5 be according to proof at trial.

6 13. Plaintiff will incur future medical bills and out-of-pocket expenses in amounts that will
7 be according to proof at trial.

8 14. Plaintiff incurred past and future lost income as well as diminished earning capacity in
9 amounts that will be according to proof at trial.

10 15. Plaintiff also sustained past and future lost household services and loss of established
11 course of life in amounts that will be according to proof at trial.

12 16. Defendants are, or one of them is, liable to Plaintiff for all damages sustained by Plaintiff
13 in amounts to be determined at trial.
14

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16 **JURY DEMAND**

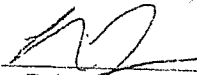
17 17. Plaintiff hereby demands trial by jury on all issues presented in this Complaint.
18

19 WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

- 20 1. For general damages;
21 2. For special damages;
22 3. For compensatory damages;
23 4. For consequential damages;
24 5. For pre-judgment and post-judgment interest at 10% per annum;
25 6. For costs, attorney fees and disbursements; and
26 7. For such other and further relief as is appropriate.
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2 DATED this 14th day of May, 2018.
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4 VISCOMI, GERSH,
5 SIMPSON & JOOS, PLLP

6 By: 
7 Brian M. Joos
8 Attorney for Plaintiff
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